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Serial No.: 10/708,625
Filed: March 16, 2004
Customer No.: 23456

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James R. Moore
Serial No.: 10/708,625
Filed: March 16, 2004
For: Aerating Decanter with Dispensing Valve
Group Art Unit: 1761
Examiner: Reginald Alexander
Attorney's Docket No.: N1105
Customer No.: 23456

REQUEST FOR REFUND

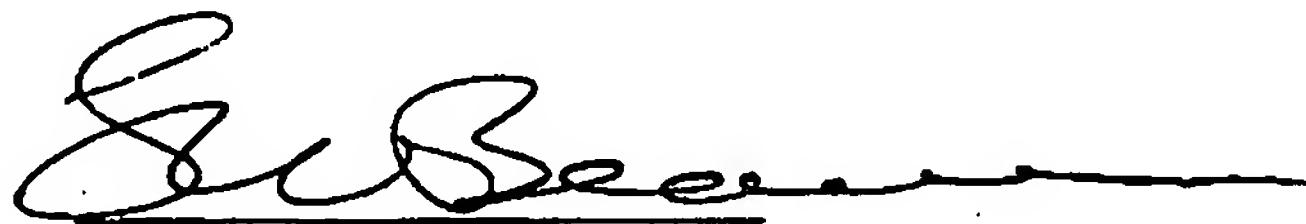
Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached is a copy of a decision on petition dated August 28, 2007 in the above-referenced matter. As indicated in the decision, Applicant is entitled to a refund of \$510.00 in extension of time fees which were previously unnecessarily paid.

Please refund said amount to Deposit Account No. 23-0035.

Respectfully submitted,



Lucian Wayne Beavers
Registration No. 28,183
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

Serial No.: 10/708,625
Filed: March 16, 2004
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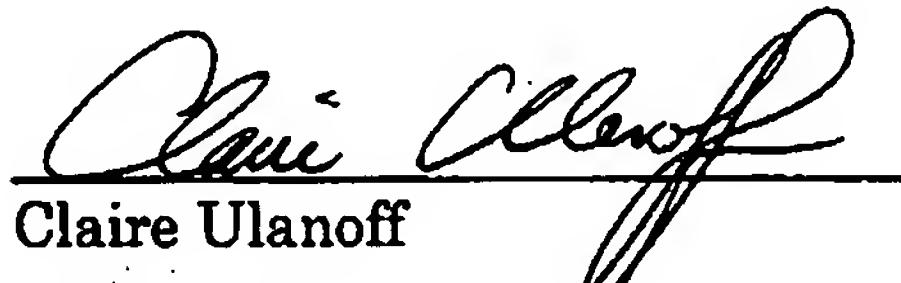
Lucian Wayne Beavers
Waddey & Patterson, P.C.
Roundabout Plaza
1600 Division Street, Suite 500
Nashville, TN 37203
(615) 242-2400

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that this Request for Refund and copy of Decision on Petition in Application Serial No.10/708,625 having a filing date of March 16, 2004, are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

on 8-31-07


Claire Ulanoff

8-31-07

Date

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OFFICE OF PETITIONS

LW3

In re Application of
James R. Moore
Application No. 10/708,625
Filed: March 16, 2004
Attorney Docket No. N1105

ON PETITION

This is a decision in response to the petition, filed April 9, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is GRANTED.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed September 11, 2006. A Notice of Abandonment was mailed on March 29, 2007. In response, on April 9, 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$510 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 1761 for consideration of the amendment filed April 9, 2007.

DOCKET DATE: NA
ASSIGNED BY: tbl
DOCKETED BY: _____
DATE: _____

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions



Serial No.: 10/708,625
Filed: March 16, 2004
Customer No.: 23456

~~IN THE UNITED STATES PATENT AND TRADEMARK OFFICE~~

Applicant: James R. Moore
Serial No.: 10/708,625
Filed: APR 09 2001
For: Aerating Decanter With Dispensing Valve
Group Art Unit: 1761
Examiner: Reginald Alexander
Attorney's Docket No.: N1105
Customer No.: 23456

AMENDMENT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following amendment is submitted in response to the non-Final Office Action dated September 11, 2006.

Applicant is also submitting herewith a PETITION FOR REVIVAL OF AN
APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37
CFR 1.137(b). A check including the petition fee of \$750.00 for a small entity is
being enclosed herewith.

Applicant also requests a retroactive extension of time to and including March 11, 2007 within which to respond to the Office Action. Applicant's check including the amount of \$510.00 for the three-month extension of time^{for a small entity} is enclosed.

Amendments to the Specification begin on page 3 of this paper.

04/10/2007 SSESHE1 00000064 10708625

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510.00 DP

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RepIn. Ref: 09/21/2007 HDESTA1 0013293500
DAM:230035 Name/Number:10708625 \$510.00 ECA
REC: 9204

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and adjustment date: 09/21/2007 SSSE5HE1 00000064 10708625
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